

REMARKS

Claims 1 and 3-21 are pending in the application. Claim 2 was previously cancelled.

Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto et al US5177802.

Claims 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al US 5177802 as applied to the claims 1 and 21 and further in view of Brooks US 6898299 B1.

Fujimoto discloses a scanner having a fixed focal length. All embodiments disclose scanning of a finger which is fixed in place, and is not moving. The scanned finger must be located at a predetermined reading location.

The Examiner's reading of Columns 19 and 20 of Fujimoto is incorrect. There is no reference to scanning of a moving finger or other moving object. This section of the reference details a system for moving an image sensor and lighting device in concert, in order to scan a fixed finger. See Column 20, lines 20-30. This embodiment specifically calls out and requires an image pickup starting switch 1302 to start the movement of the device elements.

Fujimoto simply does not disclose, and none of the other references alone or in combination disclose a device which has as an object, or the capability, of sensing the characteristics of a moving finger.

The current claims, and in particular both independent claims, clearly distinguish over all of the presently cited references in this regard.

CONCLUSION

Applicant asserts that all of the objections have been obviated, and now respectfully requests withdrawal of those objections and an allowance of this application.